



TOWN OF BREMEN
P.O. Box 171~ Bremen, ME 04551

Walter Voskian, Chair
Blair Kauffman, Board Member
Autumn Mahoney, Board Member
Jack Boak, Board Member
Steven Wallace, Board Member
Steve Page, Board Member
Floyd Gent, Board Member
Thomas Kronenberger, Alt. Member
Vacant, Alternate Member

**Bremen Planning Board
Meeting Minutes
Tuesday, April 9, 2019 at 7:00 p.m. – Bremen Town Office**

I. Attendance

Members Present: Walter Voskian, Chairman; Steve Wallace; Steve Page; Jack Boak; Thomas Kronenberger; Floyd Gent

Members Absent: Blair Kauffman, Autumn Mahoney

Members of the Public: Kathy Gent; Autumn Harden De Vries; David Starr, Gartley and Dorsky representing the Hardens; consultant Jamie Francomano; Select Board Chair Wendy Pieh.

II. Meeting called to order at 7:00 p.m.

Chairman Voskian appointed alternate member Tom Kronenberger as a regular member for this meeting. He also welcomed new Planning Board member Floyd Gent and Christine Henson as recording secretary.

III. Approval of Minutes

After determining that there were no further corrections or amendments to the Minutes from meetings on January 8, 2019 and January 15, 2019, on a motion duly made and seconded, the Board voted unanimously to approve the January 8 and January 15, 2019 regular Planning Board Minutes, as presented. The Minutes were signed by the members present.

IV. Applications for Review

A. Gent Property, 348 Heath Road, Lot 8A, Map 8

Board Member Gent recused himself and took a seat in the audience. Chairman Voskian explained that this is an informal, non-binding discussion of a proposed expansion of a residence at 348 Heath Road, Lot 8A, Map 8 held under Section 11.5.7 of the Land Use Ordinance. Accordingly, the Board will be discussing what is being proposed, what ordinances apply, and what the applicable ordinances allow, with no vested interests accruing to the prospective applicant as a result of this discussion. The Gents agreed to these conditions. Mr. Gent submitted an additional sketch regarding proposed expansion at 348 Heath Road.

Mr. Gent explained that they would like to extend the front entrance of their residence by approximately six feet in the direction of the road. Except for approximately 52 square feet, the proposed expansion of 232 square feet is beyond the 150-foot setback from the normal high-water line of Muscongus Bay as depicted in the attached sketch. Mr. Gent explained that the 150-foot measurement is based on his measurement and prior information submitted by the previous owner in June 2009. Mr. Gent said that should the Planning Board require it, he would be willing to engage a surveyor to confirm the distance of the propose expansion from the normal high-water line.

The Gents also would like to screen in a portion of the existing upper deck, which is legal non-conforming floor space, with a roof height less than the current roof height of the main house. The space will be unheated and serve as a three-season porch. The deck area to be screened is 327 square feet, which includes extending the deck over the lower level by 4' 2" (or 96 square feet) to allow for proper support for the new roof over the existing deck. The closest edge of this deck to the water is approximately 84 feet from the normal high-water line.

Chairman Voskian then confirmed that as set out in Mr. Gent's drawing, this structure in its entirety is within 150 feet of the normal high-water line.

Accordingly, Sections 12 C (1) and 15 of the Shoreland Zoning Ordinance as well as Sections 4.6, 5, and 11.5 of the Land Use Ordinance appear to be the major applicable ordinance here. Section 12 C, dealing with expansions of non-conforming structures, says that the total floor area for all portions of the structure within 150 feet of the normal high-water line cannot exceed 2000 square feet, and the maximum height is 30 feet measured from the downhill slope.

So, should the Gents choose to submit a formal application, the Board explained that they would need to know the existing square footage of the structure. That dimension plus the proposed additions of 52 square feet to the front of the house and 96 square feet to the deck on the side of the house within the 150-foot setback cannot exceed 2000 square feet. Also, the height cannot exceed 30 feet from the downhill slope under the SZO and the LUO.

In addition, for a formal application the Board would need to know what portions of the house are within 100 feet and 75 feet of the NHWL. In those portions, the 100 foot and 75 foot square footage limitations of 1500 and 1000 square feet, respectively, noted in Section 12 C (1) (a) iii and iv apply.

The Chairman noted that language in Section 12 C (1) (b) of the SZO deals with foundations, and that under Section 12 C (1) square footage includes all floors except the basement.

Mr. Voskian explained that according to Maine Municipal Association, Maine courts have ruled that adding a roof and screens to an existing porch or deck would not constitute adding volume or square footage as long as no fixed walls are being added. The MMA opinion is that square footage is already there in the form of the deck or porch, and screens do not constitute fixed walls. So, adding a roof and screens to an existing deck would not increase nonconformity, which is prohibited under Section 12 C (3) of the SZO and defined in Section 17 of the SZO.

Board members noted that adding to the side deck, however, would bring into play Section 12 C (1) (a) iv of the SZO. That expansion would increase the square footage within the 100-foot setback, which under Section 12 C (1) (a) iv cannot exceed 1500 square feet. Again, the Board would need to know the total square footage within 150 feet as well as the portions of the structure within 100 and 75 feet of the NHWL as noted earlier.

The Board also advised Mr. and Mrs. Gent that they also may need to employ a professional surveyor and that they will need to check Building Permit Requirements under Section 4.6 of the Land Use Ordinance, Dimensional Standards in Section 5 of the Land Use Ordinance and Planning Board Permit Procedures in Section 11.5 of the LUO. They should also check out Section 15 B (b) of the SZO that deals with how to measure water and wetland setbacks and the definitions sections of both ordinances.

B. Harden Property, 50 Porcupine Ridge Road

This too is an informal, non-binding discussion under Section 11.5.7 of the Land Use Ordinance of what is being proposed, what ordinances apply, and what the applicable ordinances allow, with no vested interest accruing to the prospective applicants as a result of the discussion. The Hardens agreed to such ground rules. The Hardens are represented by Mr. David Starr of Gartley and Dorsky.

Mr. Starr explained that as noted in the provided site plan, the proposal comprises the construction of a garage beyond the 150-foot setback, the removal of a 338-square foot portion of a wrap-around deck and stairs on the southerly side of the existing cottage, and the construction of a 286-square foot, single-story addition in the same area.

Chairman Voskian noted that Sections 12 C and 15 B of the Shoreland Zoning Ordinance and Sections 4.6, 5.2, and 11.5 of the Land Use Ordinance would appear to be the major applicable ordinances here. He observed that the proposed garage, as already noted, would be beyond the 150-foot setback required under Section 15 B of the Shoreland Zoning Ordinance, but it would still be within the 250-foot Shoreland Zone as set out in Section 3 of the Shoreland Zoning Ordinance and thus require Planning Board consideration and approval. In addition to Section 15 B of the Shoreland Zoning Ordinance, for the proposed garage the prospective applicants must take into consideration the provisions of Section 15 dealing with such issues as parking areas, roads and driveways, and storm water runoff. Additionally, for the proposed garage the prospective applicants must consider provisions of the Land Use Ordinance including Planning Board Permit Procedures (Section 11.5), Dimensional Standards (Section V) including setback and height limits, and Performance Standards (Section 5.2) dealing with such issues as erosion sedimentation control.

The chairman explained that with regard to the proposed demolition of a 338-sf portion of the deck and the proposed construction of a 11' x 26' 286-square foot, single-story addition in the same area, for a formal application the Board would need to know the square footage of the portions of the cottage and remaining deck and proposed addition within the 100-foot and 75-foot setbacks. Section 12 C (1) (a) iii and iv of the Shoreland Zoning Ordinance dealing with expansion of non-conforming structures provides the square footage and height limitations within those setbacks; height is measured from the downhill side. Section 12 also states that any expansion must not increase the non-conformity of the structure, which is defined in Section 17 Definitions of the Shoreland Zoning Ordinance.

With regard to the addition, the prospective applicants must take into account setback requirements for the foundation that presumably will be needed for the 11-foot x 26-foot addition to the cottage and the requirements for handling storm water runoff. Those requirements are found in Section 12 C (1) (b) and Section 15 J, respectively, of the Shoreland Zoning Ordinance. If the addition is to have a basement, the basement is not counted toward the square footage totals.

Also, the prospective applicants must consider other provisions of the Land Use Ordinance such as Building Permit Requirements (Section 4.6), Planning Board Permit Procedures (Section 11.5), Dimensional Standards (Section 5.1) and Performance Standards (Section 5.2) noted above with respect to the proposed garage.

Considerable discussion ensued regarding:

- Whether the ordinances permit the prospective applicants' proposal to remove a portion of the non-conforming structure—the uncovered deck—to get below the square footage threshold and then add back or reallocate a smaller number of square feet to expand the building.
- Whether the relevant distance to the normal high-water line is measured from the closest point on the principal structure or from the to-be-constructed addition converted from an attached deck, which is to be moved closer to the NH-WL on the west side and further away on the other side. The house and the converted deck/addition are both structures.

The Planning Board said that very similar questions arose two years ago regarding an application on which the Board, and ultimately the Board of Appeals, ruled against the applicant, but the Board would solicit a legal opinion on those questions.

C. Voskian Property, Webber Pond, Map 3, Lot 31

In the interest of time and given the increasing snowfall, Chairman Voskian said he would be willing to defer consideration of his application for a replacement dock to next month's meeting for review.

On a motion duly noted and seconded, it was voted unanimously the Voskian application was moved to next month's agenda.

V. Public Comments and Questions

None

VI. Other Planning Board Business

Chairman Voskian noted that he attended the 17 January, 7 and 21 February, 7 and 21 March, and 4 April meetings of the Selectmen where I brought them up to date on the Planning Board's deliberations and findings. He also reported that Donald Soohy has withdrawn his application for the construction of a building on his lot and instead has made an appeal to the Board of Appeals for a standard variance based on hardship. The hearing will take place on 25 April at 6:30 pm.

The chairman noted that the Planning Board budget adjustment and the new Planning Board Ordinance passed a public vote at the hearing on 7 February. We now have an additional \$6,500 to carry us through the rest of the fiscal year. Thanks to all who attended.

Voskian also noted that the Budget Committee approved the new PB 2019-20 budget at its meeting on 26 March with little discussion and no changes. The budget will next be considered at the Town Meeting on 15 June. The chairman said he would welcome support at the Town Meeting and asked the Board members if they saw any areas where we could cut if necessary. On the new budget, Member Wallace asked for the origin of the proposed \$300 yearly stipend for Planning Board Members. Select Board Chair Pieh said that the

stipend was suggested by the Selectmen as a gesture of thanks for the Planning Board Members' service.

The chairman also noted that based on the public hearing discussion of the need to inform abutters, the Ordinance Review Committee will be amending the Land Use Ordinance to take that requirement into account. Based on his review, Voskian noted that the LUO only requires notice to abutters in the case of a public hearing, which we did not have in the case of the Thirty Acre Farm. The Subdivision Ordinance, on the other hand, which was not applicable in this case, requires notice to abutters as a matter of course. He also found a few other things in the LUO in need of revision such as an incorrect reference in the first paragraph in Section 11.5 to Section IV, 4.6 - Schedule of Uses. The reference should be Section 4.7. Also, the reference on the top of page 13 to "4.7.1 Resource Management Activities" should be amended to read "4.7.3 (continued) Commercial and Institutional Activities." Also the LUO and the Shoreland Zoning Ordinances are inconsistent in their definitions of height of a structure. The SZO says that height is measured from the downhill side of the structure. The LUO makes no reference to the downhill side in measuring height. Also, Section 11.5.7 dealing with informal non-binding conferences should make clear that the required information is due before the meeting and by the deadline for applications. He will raise these issues with the Ordinance Review Committee.

The chairman reminded members of the opportunity for Planning Board workshop training offered by the MMA and the Mid Coast Council of Governments. The latter are free and are usually given at more convenient locations. Everyone should have one or the other.

Voskian attended the Lincoln County Regional Planning Commission meeting on 19 Feb as Bremen's representative. Highlights: Regional Planner Bob Faunce has retired as of late March.

Voskian reported that he has submitted the Planning Board's draft annual report for the Town Report. He received some very constructive comments from Member Mahoney, and the report will be published with those comments.


Chairman Voskian raised his e-mail response to the request from 30 Acre Farm for reconsideration of the fees charged. He said that he based his response on the decision document that is part of our decision and on the applicable

ordinances cited. So he saw no need to bring this back to the Board for reconsideration. The Board consensus was that they were comfortable with the response.

The meeting then turned to a wrap-up discussion of the Board's draft bylaws, with Consultant Jamie Francomano acting as note taker. Proposed changes offered by Members Steve Wallace and Steve Page were discussed, and the former concerning Officers and Duties, Conflicts of Interests, and Voting Procedures were accepted. The completed draft will go the Selectmen for approval at their request. After that, the Planning Board will formally approve and adopt the bylaws at its May meeting.

There being no further business, the meeting was adjourned at 8:28 p.m.

BREMEN PLANNING BOARD:

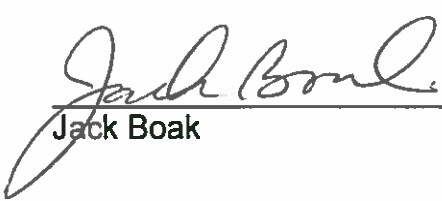


Walter Voskian, Chairman



Steven Wallace, Interim Vice Chairman

Steve Page




Jack Boak

Thomas Kronenberger



Floyd Gent



Blair Kauffman



Autumn Mahoney

Respectfully submitted,
Christine M. Henson, Recording Secretary